

**United States Court of Appeals  
For the First Circuit**

04-11420  
USDC/MA  
Saris, J

**~~MANDATE~~**

No. 05-2822

MARK BROADLEY,

Plaintiff, Appellant,

v.

MASHPEE NECK MARINA, INC.,

Defendant, Appellee.

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**JUDGMENT**


Entered: December 22, 2006

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The decision of the district court is reversed, and the matter is remanded for further proceedings consistent with the opinion issued this day. Each side will bear its own costs on this appeal.


**Certified and Issued as Mandate  
under Fed. R. App. P. 41.**

**Richard Cushing Donovan, Clerk**

  
\_\_\_\_\_  
Deputy Clerk

Date: 2/27/07

By the Court:  
Richard Cushing Donovan, Clerk

  
\_\_\_\_\_  
By: Margaret Carter, Chief Deputy Clerk

[Certified copies to Hon. Patti B. Saris and Ms. Sarah Thornton, Clerk, United States District Court for Massachusetts. Copies to Mr. Bond & Mr. Bruno.]